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Security Council

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Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire

Note verbale dated 16 February 2005 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of France to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire and has the honour to transmit to him herewith the statement by the French Government to the Security Council Committee established pursuant to that resolution (see annex).

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Annex to the note verbale dated 16 February 2005 from the Permanent Mission of France to the United Nations addressed to the Chairman of the Committee

Statement to the Security Council Committee established pursuant to resolution 1572 (2004)

In paragraph 15 of its resolution 1572 (2004) of 15 November 2004, the Security Council "requests all States concerned, in particular those in the region, to report to the Committee, within ninety days from the date of adoption of this resolution, on the actions they have taken to implement the measures imposed by paragraphs 7, 9 and 11 above" (embargo on arms and military assistance, bans on travel, freezing of assets). In paragraph 13 of resolution 1584 (2005), of 1 February 2005, the Security Council "recalls its request set out in paragraph 15 of resolution 1572 (2004) to all States, in particular those in the region, to report to the Committee on steps they have taken to implement the measures imposed by paragraph 7 of resolution 1572 (2004)".

In accordance with those provisions, France wishes to bring the following information to the attention of the Committee established pursuant to resolution 1572 (2004) on the measures taken in order to ensure the full implementation of this text.

1. Implementation of resolution 1572 (2004) at the level of the European Union

The Council of the European Union adopted Common Position 2004/852/CFSP of 13 December 2004 concerning restrictive measures against Côte d'Ivoire (published in the Official Journal of the European Union of 15 December 2004).

The text reproduces, at the level of the European Union, the provisions of resolution 1572 (2004).

The text prohibits "the sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Côte d'Ivoire by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft, whether originating or not in their territories". It is also prohibited "to grant, sell, supply, or transfer technical assistance, brokering services and other services related to military activities [...]" or "to provide financing or financial assistance related to military activities" (article 2).

Articles 4 and 5 of the text also reproduce the individual measures (ban on travel and freezing of assets), which were set forth under articles 9 and 11 of resolution 1572 (2004) and entered into force on 15 December 2004, as was confirmed by the presidential statement of 16 December 2004 (S/PRST/2004/48).

Since certain provisions of Common Position 2004/852/CFSP require action by the European Union, two Council regulations were prepared:

- A "regulation imposing restrictive measures on Côte d'Ivoire concerning assistance related to military activities". This regulation was adopted by the Council on 31 January 2005 under the reference number 15221/04.

- Another Council regulation is being prepared and relates to the freeze on assets of persons designated by the Committee pursuant to paragraph 11 of resolution 1572 (2004). European Union regulations are legally directly applicable (without any additional transposition measure being necessary at the national level in order to ensure that they apply to all nationals of States members of the Union).

2. Arms embargo

The export from France of war materiel is strictly controlled, particularly on the basis of the decree-law of 18 April 1939, which established the regime governing war materiel, arms and ammunition. The decree-law sets forth the principle of a prohibition of such exports. Export licences which constitute an exception to this principle may be issued only upon the completion of a ministerial procedure.

Within the framework of this procedure and on the basis of the applicable national and international rules (including resolution 1572 (2004), Common Position 2004/852/CFSP of the Council of the European Union, and the European Code of Conduct on Arms Exports), the Inter-Ministerial Commission for the Study of War Material (CIEEMG) today rejects all applications for approval concerning the negotiation or sale of military materiel for Côte d'Ivoire which do not meet the conditions set under paragraph 8 of resolution 1572 (2004) for granting an exception to the embargo.

3. Bringing Franco-Ivorian military cooperation into conformity with resolution 1572 (2004)

(a) Prior to the events of November 2004 in Côte d'Ivoire and the adoption of Security Council resolution 1572 (2004), the French military cooperation mission in Abidjan comprised 21 officers and non-commissioned officers.

All this cooperation is suspended today. The personnel concerned have either returned to France or have been redeployed temporarily to French services in Abidjan.

Under paragraph 8 (e) of resolution 1572 (2004), only agents whose mission it is to provide "training" or "technical assistance intended solely for support of or use in the process of restructuring defence and security forces pursuant to paragraph 3, subparagraph (f), of the Linas-Marcoussis Agreement, as approved in advance by the Committee" may be retained.

France therefore proposes resuming the missions of only 6 of the 21 cooperating agents referred to above. The personnel concerned would assume the following duties:

- Coordinator of the project to reorganize the defence capability

- Head of the project to reorganize the National Armed Forces of Côte d'Ivoire

– Official in charge of training courses and chancellor of the Military Coordination Detachment

– Accountant of the Military Coordination Detachment

– Head of the project to restructure domestic security

– Head of the project to train domestic-security personnel.

Although the last two of these posts relate partially to personnel with military status (gendarmes), they do not fall within the purview of the embargo in view of their purpose (civilian police in accordance with the United Nations).

With regard to the four other posts referred to above, France requests the Committee, in accordance with paragraph 8 (e) of resolution 1572 (2004), to grant authorization to redeploy the cooperating agents concerned.

(b) In addition to seven Ivorian gendarmerie officers (who do not fall within the purview of the embargo for the reason stated above; see category 1 in the annex), France is currently hosting 24 Ivorian officers and non-commissioned officers in its military schools for training courses that had begun before the adoption of resolution 1572 (2004).

Some of the training courses in question do not have a specifically military purpose (hydrography, restoration, human support services, human resources management, involving four trainees; see category 2 in the annex).

Twenty other training courses, on the other hand, fall within the purview of article 7 of resolution 1572 (2004).

Five of these training courses concern the putting into operation of weapons systems (see category 3 in the annex). It was therefore decided to suspend them.

The 15 other training courses (see category 4 in the annex) concern officers who, by virtue of their managerial duties, will play a dynamic role in the restructuring of the defence and the security forces provided for under the Linas-Marcoussis Agreement. It should also be noted that these courses will end between 25 April 2005 and 1 July 2007, that is, after the deadline provided for under the calendar laid down by President Mbeki and the National Disarmament, Demobilization and Reintegration Commission (CNDDR) and approved by the Peace and Security Council of the African Union in the final communiqué of the Libreville summit of 10 January 2005 (PSC/AHG/COMM.(XXIII)) in order to complete the disarmament, demobilization and reintegration process. The persons concerned, therefore, would have to be reassigned, at the end of their training courses, within the armed forces that are being integrated. The Committee, accordingly, is requested, in accordance with paragraph 8 (e) of resolution 1572 (2004), to provide authorization to continue these 15 training courses.

(c) Within the framework of the support that it is providing to several National Regional Schools (ENVR) in Africa, France contributes financially to the training of four Ivorian trainees (see category 5 in the annex) in the National Regional Schools in Thies (Senegal) and Koulikoro (Mali) for training courses that had begun prior to the adoption of resolution 1572 (2004).

The two training courses in Koulikoro, which relate to administrative duties, have no specifically military purpose.

The two student officers being trained in Thies will, upon their return to Côte d'Ivoire in July 2006, play a dynamic role, by virtue of their management functions, in the restructuring of the defence and the security forces provided for under the Linas-Marcoussis Agreement. The Committee, therefore, is requested, in accordance with paragraph 8 (e) of resolution 1572 (2004), to provide authorization to continue these two training courses.

9. Lastly, pursuant to resolution 1572 (2004), France and the Economic Community of West African States (ECOWAS), the co-organizers of the RECAMP IV (Reinforcement of African Peacekeeping Capabilities) training cycle, decided to cancel the participation of Ivorian military in the headquarters and field training exercise entitled "Benin 2004", held from 29 November to 10 December 2004.

Annex

Ivorian military trainees

Category 1

	GENDARMERIE	*LEVEL*	*TRAINING*	*START*	*END*
1	GENDARMERIE	officer	General instruction cycle — 2nd year	1 Sept 03	30 Jun 05
2	GENDARMERIE	officer	General instruction cycle — 2nd year	1 Sept 03	30 Jun 05
3	GENDARMERIE	officer	Captains Brigade	16 Aug 04	30 Jun 05
4	GENDARMERIE	officer	Captains Brigade	1 Sept 04	30 Jun 05
5	GENDARMERIE	officer	Captains Brigade	1 Sept 04	30 Jun 05
6	GENDARMERIE	officer	General instruction cycle — 1st year	1 Sept 04	1 Jul 06
7	GENDARMERIE	officer	General instruction cycle — 1st year	1 Sept 04	1 Jul 06

Category 2

	ARMY	*LEVEL*	*TRAINING*	*START*	*END*
1	LAND	officer	Training of lieutenants in human resources	21 Aug 04	24 Jul 05
2	NAVY	officer	Certificate of specialization as a hydrographer: hydrography course and practical training begun	17 Mar 04	15 Jul 05
3	NAVY	petty officer	Certificate of specialization in restoration	1 Sept 04	2 Apr 05
4	NAVY	petty officer	Technical Certificate as Ship's Steward	4 Oct 04	11 May 05

Category 3

	ARMY	*LEVEL*	*TRAINING*	*START*	*END*
1	AIR	non-com. officer	Basic certificate in operational electronics	1 Jun 04	17 Jun 05
2	AIR	non-com. officer	Basic certificate in operational weapons	23 Aug 04	17 Jul 05
3	AIR	non-com. officer	2nd degree basic certificate in the propulsion system	1 Jun 04	21 Sept 05
4	AIR	non-com. officer	2nd degree basic certificate in general mechanics	2 Nov 04	9 Dec 05
5	NAVY	petty officer	Certificate of specialization as weapons mechanic/surface warfare	1 Sept 04	22 Jun 05

Category 4

	ARMY	LEVEL	TRAINING	START	END
1	CID	officer	Inter-Army Defence College (CID)	1 Jul 04	30 Jun 05
2	CID	officer	Inter-Army Defence College (CID)	1 Jul 04	30 Jun 05
3	AIR	officer	Special course of the Flying School, officer pilot training, 2nd year	1 Sept 03	30 Jun 07
4	AIR	officer	Special course of the Flying School, officer pilot training, 1st year	1 Sept 04	30 Jun 08
5	LAND	officer	Training for lieutenants in transmissions	26 Aug 04	25 Apr 05
6	LAND	officer	Saint Cyr Special Military School, 3rd year	1 Sept 02	30 Jun 05
7	LAND	officer	Saint Cyr Special Military School, 3rd year	1 Sept 02	30 Jun 05
8	LAND	officer	Training of lieutenants in use of equipment	3 Sept 04	23 Jul 05
9	LAND	officer	Technical and administrative training for a lieutenant	21 Aug 04	24 Jul 05
10	LAND	officer	Training for an infantry lieutenant	25 Aug 04	24 Jul 05
11	LAND	officer	Training for a lieutenant in logistics	26 Aug 04	30 Jul 05
12	LAND	officer	Interservices Military School, 1st year	1 Sept 04	1 Jul 06
13	LAND	officer	Saint Cyr Special Military School, 1st year	1 Sept 04	1 Jul 07
14	LAND	officer	Saint Cyr Special Military School, 1st year	1 Sept 04	1 Jul 07
15	LAND	officer	Saint Cyr Special Military School, 1st year	1 Sept 04	1 Jul 07

Category 5

	ARMY	LEVEL	TRAINING	START	END
1	LAND	Senegal	National School for Regular Army Officers	4 Sept 04	4 Jul 06
2	LAND	Senegal	National School for Regular Army Officers	4 Sept 04	4 Jul 06
3	LAND	Mali	National School for Regular Army Officers	24 Sept 04	1 Jul 05
4	LAND	Mali	National School for Regular Army Officers	24 Sept 04	1 Jul 05

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